

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator of  
the Estate of DEREK GRAY, et al.,

Plaintiffs,

v.

JEFFREY DERDERIAN, et al.,

Defendants.

v.

HOME DEPOT U.S.A., INC.,

Third-Party  
Defendant.

C.A. No. 04-312L

FILED  
NOV 29 2004  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

**SECOND MOTION TO ENLARGE TIME TO ANSWER THIRD-PARTY COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Third-Party Defendant Home Depot U.S.A., Inc. ("Home Depot") hereby requests that this Court enlarge Home Depot's time to answer or otherwise respond to Defendant/Third-Party Plaintiff Howard Julian's ("Julian") Third-Party Complaint until December 17, 2004.

As grounds for this motion, Home Depot represents that Julian has filed a motion to voluntarily dismiss Home Depot as a Third-Party Defendant from this case. Because there has not yet been a ruling on Julian's motion to dismiss, Home Depot requests that the time to answer or otherwise respond to the Third-Party Complaint be enlarged until December 17, 2004. Home Depot expects and believes that Julian's motion to voluntarily dismiss will be granted.

Accordingly, Home Depot makes this request so that it can avoid the unnecessary time and

Granted: *Ronald R. Fagundes*  
SA. USDT 12/9/04

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